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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, June 1, 2004, at 2 p.m.

Senate

FRIDAY, MAY 21, 2004

The Senate met at 9:30 a.m. and was called to order by the Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of grace and God of glory, on Your people send Your power. You are the God of nations, the ruler of the universe. Let Your power and mercy rule those who guide us and make our laws. May our Senators feel Your presence today and receive Your wisdom as they work to safeguard our liberties. Remind them often that right defeated is better than evil that triumphs.

Look with compassion upon those who assist these leaders in their labors. Remind us all of our calling to serve You by serving others. Where our hands are closed, open. Where our hearts are shut, pry. And where our resolve is weak, prod.

Fill us with the love of truth and righteousness. We pray this in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 21, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. CHAFEE thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will return to consideration of the Department of Defense authorization bill. Senators WARNER and LEVIN are here to consider cleared amendments from both sides of the aisle. Also, some Members will wish to speak on the pending amendment which was offered by Senator GRAHAM of South Carolina. That amendment was offered yesterday morning. Unfortunately, we were unable to vote on that amend-

ment during yesterday's session. I had hoped we would be able to vote on that amendment and move forward with the bill. However, that appears unlikely. Therefore, no rollcall votes will occur during today's session.

Once again, I hope we could limit amendments to the overall bill. I know the chairman has a list of Republican amendments he will begin to work through. It would be helpful if we could lock in the list on both sides of the aisle, to give managers an idea of what to anticipate, both in terms of making progress and ultimately finishing the very, very important bill.

We did make good, reasonable progress on the bill this week. I hope Members will alert their respective chairman or ranking members about their amendments so we can continue to move ahead on this bill.

When we return from our recess, I do still plan to go to class action. As I have stated on numerous occasions, starting actually a couple of months ago, I will be talking to the Democratic leadership about proceeding to that bill. We will say more at the close of business today, after we see what progress can be made on the Department of Defense authorization bill in the course of today.

This week I was pleased we were able to reach an understanding on judicial nominations, I think a very fair and balanced approach to 25 of these nominees. We will vote on these pending nominations and we will continue to press on for votes for all of the judicial nominees in addition to those 25.

We also need—and I mentioned it last week and the week before—we need to

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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press on for nonjudicial nominations as well. There are approximately 60 nonjudicial nominations, including very critical Ambassadors, that remain pending on the calendar. I know there have been a lot of discussions back and forth about how best to proceed on these nominations. We must find a way to schedule consideration of these individuals. We need to continue to work to do that. There are 60 of them on the calendar. We need to proceed in good faith.

The fact that we made such good progress on the judicial nominations this week leaves the door open to a good way of addressing many of these nominations that are on the calendar. We need to allow the Senate to begin a process to confirm these people. When you look at the calendar itself, these nominations are page after page—14 pages of these nominations that are awaiting our action.

I look forward to bringing them to the floor at the appropriate time, with discussion with the Democratic leadership.

I yield the floor.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic whip is recognized.

NOMINATIONS AND DOD

Mr. REID. Before the distinguished majority leader leaves, I would like to say a couple of things. We worked hard. You and Senator DASCHLE were able to work your way through an agreement on judges. I agree with the majority leader, I think it is fair. We will have processed within the next few weeks, I think, 198 judges. I think that is the number we will have processed.

I also say as far as the nominations for other posts that are on the calendar, we, of course, are waiting for you and Senator DASCHLE to work something out on those also. We need to move forward on some of the Democrats submitted by Senator DASCHLE to the President and which are either languishing down there or haven't moved for other reasons. We hope that can be done before we move too much further in this legislative session, when things get jammed up.

I also say while the distinguished chairman of the committee is on the floor, and the majority leader, we believe we can work through these amendments on the Defense authorization bill. Between both Democrats and Republicans at this stage there are about 100 amendments, a fairly equal number on each side we have been given at this stage. A lot of these amendments, as always happens, are not going to be offered. A lot can be accepted by the two managers of the bill.

I would say this. I think yesterday we could have made more progress than we did. We made an offer that, on

the Graham amendment, we would like that put over until after the recess. That is what has happened, anyway.

If that had been the case, Senator CANTWELL and Senator HOLLINGS would agree to a 2-hour time limit to dispose of those two amendments.

We have a number of amendments. Senator DASCHLE wants to offer his TRICARE amendment, Senator KENNEDY wants to offer an amendment that has already been seen by the majority, by the managers. It may take a little bit of time. There are some reporting requirements. But my point is we can move through this.

I know there is tremendous pressure on the majority leader to move to class action. My personal feeling is it would be more of a class act to finish the Defense authorization bill first. I think even now we have some amendments the two managers are going to clear, 12 or 15 amendments this morning.

We will work here today to lay down amendments on our side and have the pending amendments, including the Graham amendment.

We want to indicate that we are fully cooperative, and we want to move this bill. We understand the importance of it.

Mr. FRIST. Mr. President, I know the chairman is here and will respond in terms of particulars of the underlying bill. We made good progress. It is an important bill and a bill which we will finish.

My intentions are to in all likelihood move to the class action bill the week we return and address that. Then if we can come up with a reasonable way of finishing this bill—which I am confident we can—I think ultimately when people sit down and say what is important to have on this bill, we will be able to put together amendments on our side and the other side and pull those together and have an orderly way of dealing with those.

I will say that in the big picture the last 2 weeks have been very positive weeks in terms of governing in very difficult times, many of which have been overseen by the chairman of this particular bill, Senator WARNER. It is very tough oversight in terms of what is going on both in Iraq and indeed around the world in the war on terror. At the same time that has been conducted in a very professional way. This institution can be quite proud; we have done some very good things in terms of national security. Three days ago, we passed bioshield legislation. That is a national security issue, one we have worked on for 14 months. A few days ago, we passed the important education bill, the Individuals With Disabilities Education Act, which affects 6.5 million children with disabilities.

If you look at the field on jobs and taxation, 2 weeks ago we passed a bill that will impact hundreds of thousands of manufacturing workers called the JOBS bill, a Euro tax that is placed on this country which we have in the Senate effectively eliminated once the

House acts. And 2 weeks ago, we passed an international tax relief bill to make sure broadband knowledge can proliferate in this country. All of that is part of governing which has taken place in 2 weeks of very difficult times. I have been very pleased over the last 2 weeks. It shows we can work together and govern—plus the judges on top of that. I think we will see that on this bill and we will see it on the class action bill. I am very optimistic about where we are going.

I am also pleased about what we have done in the last couple of weeks.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for each fiscal year for the Armed Forces, and for other purposes.

Pending:

Graham (SC) Amendment No. 3170, to provide for the treatment by the Department of Energy of waste material.

Crapo Amendment No. 3226 (to Amendment No. 3170), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, my distinguished colleague, the senior Senator from Michigan, and I will momentarily address some of the pending amendments which have been cleared on both sides. I do, however, note the presence on the floor of two other colleagues. I would suggest to my ranking member that perhaps we could accommodate them, since he and I will be here throughout much of the morning.

Mr. LEVIN. I would be happy to do that, of course.

Mr. REID. Mr. President, while the two managers are on the floor, could I ask a question before I depart?

Mr. WARNER. Of course,

Mr. REID. We have a number of amendments we would like to lay down today and not have those amendments take precedence over the pending amendment, which is the Graham amendment. We want to be able to show the managers of the bill and leadership on the majority side that we want to move this bill. My personal feeling, as I expressed to the majority leader while he was here, is I think it is not the right thing to do to move off this bill and go to something else. I think with some determination we